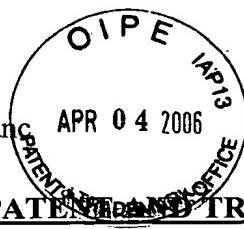


DOCKET NO.: 250291US2SRD CONT/anc



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2879

Masayuki NAKAMOTO

SERIAL NO: 10/799,876

EXAMINER: GUHARAY, KARABI

FILED: March 15, 2004

FOR: FIELD EMISSION COLD CATHODE DEVICE OF LATERAL TYPE

**APPLICATION OF PREVIOUSLY PAID ISSUE FEE IN
ACCORDANCE WITH SECTION 1308.01 MPEP**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application was withdrawn from Issue after payment of the Issue Fee in the amount of \$1700.00 (Issue Fee \$1400.00 + Publication Fee \$300.00).

The application has now been allowed again and since a refund of the previously paid Issue Fee has not been requested, it is now requested that the previously paid Issue Fee be applied to the Issue Fee being paid herewith. Enclosed herewith is a copy of the Petition Granted.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Marvin J. Spivak
Registration No. 24,913

Raymond F. Cardillo, Jr.
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(OSMMN 05/04)



UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

COPY MAILED

DEC 14 2005

OFFICE OF PETITIONS

In re Application of :
Masayuki Nakamoto :
Application No. 10/799,876 :
Filed: March 15, 2004 :
Attorney Docket No.: 250291US2SRD CONTINUATION :

ON PETITION

This is a decision on the petition, filed December 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 2, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2879 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry S. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions

RECEIVED: 12/16/05
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.
DOCKETING DEPT.
Initials/Date Docketed: 12/09/2005
Type of Resp(s): _____
Due Date(s): _____

¹The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).